



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, May 12, 2015

PRESENT: Ed Jones, Chair
Keith Kudrna, Vice Chair
Jack McGiffin
Gary Stonewall
Steve Kaufman

ABSENT: Julius Arceo
Greg Walczyk

STAFF: Erika Palmer, Development Analyst
Devree Leymaster, City Recorder

1. CALL TO ORDER

Chair Jones called the meeting to order at 6:30 PM.

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

Chair Jones inquired if any person would like to speak on a non-agenda item, hearing none moved to approval minutes.

3. REVIEW AND ADOPT MINUTES

Commissioner Stonewall moved to approve the February 24, 2015 minutes and Vice Chair Kudrna seconded. The motion passed unanimously.

4. DISCUSSION ITEMS

a. Natural Resource Regulations

Development Analyst Palmer requested Commission direction as to how to proceed with the following proposal. There are varying riparian buffers (up to 50 feet) along Fairview Lake. The majority of the platted subdivisions indicate 35 feet. The recommendation is to uniformly set the buffer at 35 feet. This is consistent with the majority of the plats and what is already developed along the lake. The allowed uses would be defined in 2 zones. The first 10 feet will allow native plantings and erosion control features; the remaining 25 feet would have limited permitted uses that would not negatively impact the function of the protected area. No structures would be allowed within the buffer. Most of the area is developed and most properties, as is, are in compliance with the proposed changes.

During discussions with staff the Fairview Lake Property Owners Association (FLOPA) expressed they want something equitable and enforceable that considers water quality and erosion control issues.

Commissioners Stonewall and Kaufman supported the proposal. Agreed language should clearly define uses within the zones and be enforceable. Commissioner Kaufman noted he supports reducing the buffer (50 feet in some areas to 35 feet) for a better functioning buffer, so long as the buffer does not go away.

Development Analyst Palmer reviewed an exception process that would incorporate a buffer averaging in the code. She provided an example of the buffer averaging concept that allows an

encroachment into one side of the buffer, with mitigation on the opposite side to offset it; the net buffer would still be maintained. The benefit of averaging is it allows site design flexibility. This could be very beneficial for properties that have stream segments running through them, especially in the TCC (Town Center Commercial).

Commissioner Stonewall inquired where it would be allowed. Development Analyst Palmer replied in all areas except for the Village and Fairview Lake areas.

Vice Chair Kudrna noted averaging on the opposite side of the buffer is preferred but inquired what happens if the property owner does not own both sides of the buffer. Would they be allowed to mitigate elsewhere on the same side of the buffer? Development Analyst Palmer answered if same side averaging is allowed would need defined criteria within the code for when and how it would be allowed.

Commissioner Kaufman noted a required minimum would need to be defined to ensure a zero buffer on one side is not permitted.

Commissioner Stonewall inquired if this would be a type III application. Development Analyst Palmer replied yes, this application type will be reviewed by Planning Commission.

Chair Jones noted the source of determination, i.e. impact of a 5 foot vs 10 foot minimum allowance for encroachment will need to be provided. Answers to why it is ok to encroach on one side and mitigate on the other will need to be provided. Need objective data for support of decision and for the ability to be flexible. Vice Chair Kudrna agreed, need to be careful of subjective criteria.

Commissioner Stonewall asked about state and regional land use requirements. Development Analyst Palmer replied the city must comply with the state's criteria for streams and upland habitat (Goal 5 and State Land Use decisions) and Metro regional standards. These standards do allow a jurisdiction some flexibility in how to protect natural resource while allowing some development.

In summary, the Commission supported the proposed changes to natural resource regulations and directed staff to continue drafting language.

b. Electric Fencing

Development Analyst Palmer summarized staff has received inquiries for use of electric fences within the General Industrial (GI) zone. Currently the code does not allow for electric fences. The City of Gresham just changed their code to allow electric fencing.

Commissioner Kaufman inquired why they would not be allowed. Chair Jones noted access for first responders.

Commissioner Stonewall asked what type of fencing and what the purpose is. Development Analyst answered the purpose is to keep people out. The upper end of the fence would be "live" and within OSHA standards.

Commission agreed they were not opposed to use of electric fences within certain areas (zones). Consideration for first responders would need to be looked at and planned for. Directed staff to research code language from other jurisdictions.

5. STAFF UPDATES

Development Analyst Palmer reviewed the applications staff is reviewing.

- Type II applications: riparian buffer permit for rip-rap along Fairview Lake; natural resource permit for PGE property; and temporary use permit for Thermo King to place two temporary offices.
- Pre-application conference for NACCO fuel station upgrades and Dirt and Aggregate to add a wireless communication facility.
- State approved the grant for the Transportation System update. The Transportation System Comprehensive Plan update will begin soon.

6. COMMISSION UPDATES


Commissioner Kaufman commented on the Commissions decisions to allow the Veteran Affairs development to eliminate the originally approved design review for a Halsey Street entrance. Commissioner Kaufman noted every business along Halsey that directly fronts Halsey has at least one entrance facing Halsey.

7. TENTATIVE AGENDA – May 26, 2015

Draft Code Language Updates – Review and Discussion

8. ADJOURNMENT

Meeting adjourned by consensus at 7:00PM.


Devree A. Leymaster
City Recorder

Ed Jones, Chair



Date: _____

5/26/15